HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM MCELROY,

     Plaintiff,

   v.

KING COUNTY, et al.,

     Defendants.

CASE NO. C12-1299RAJ

ORDER

14   The court DENIES the parties' stipulated motion for a continuance. Dkt. # 14.

15   The parties filed that motion on September 9, more than a month after discovery closed

16   and six days after they were required to submit any dispositive motions. The motion

17   requests a three-month continuance of the trial date as well as an extension of the expired

18   discovery deadline to November 5.

19   The sole explanation for the request is that the Plaintiff is *considering* filing

20   bankruptcy and the parties' belief that in that event, "the case will have to be stayed until

21   a bankruptcy trustee appoints an attorney to prosecute Plaintiffs' case."

22   The court has no idea in what case the parties believe that a bankruptcy trustee

23   will appoint an attorney. In any event, Plaintiff's bankruptcy (if it occurs) will not

24   automatically stay this case. The filing of a bankruptcy petition gives rise to an automatic

25   stay on any "action or proceeding *against* the debtor . . . ." 11 U.S.C. § 362(a)(1)

26   (emphasis added). A bankruptcy petition does not give rise to an automatic stay on

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actions or proceedings brought by the debtor. *See*, *e.g.*, *Parker v. Bain (In re Parker)*, 68 F.3d 1131, 1138 (9th Cir. 1995); *Crosby v. Monroe County*, 394 F.3d 1328, 1331 n.2 (11th Cir. 2004).

      If the parties wish to renew their request to continue the trial date and related deadlines, they must provide a specific explanation of why they have been unable to comply with the current case schedule. They must also explain in much greater detail why they believe Plaintiff's possible bankruptcy will impact this case.

      DATED this 17th day of September, 2013.

The Honorable Richard A. Jones
United States District Court Judge

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